



Application No. 10/729,631
Attorney's Docket No. P032 C1

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Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 9-3-04

Signature: Abby Berghella (Abby Berghella)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	Mail Stop: Amendment
)	
John F. Shanley et al.)	
)	
Application No.: 10/729,631)	Group Art Unit: 3738
)	
Filed: December 5, 2003)	Examiner: Blanco, Javier G.
)	
For: EXPANDABLE MEDICAL)	Confirmation No. 1114
DEVICE FOR DELIVERY OF)	
BENEFICIAL AGENT)	

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In an Office Action dated August 24, 2004, restriction to one of the following groups of species was required:

- I. Device
- Species A: Figure 1
- Species B: Figure 3

Applicants elect Species B.

II. Openings

Species A: Cylindrical (Figure 14)

Species B: Tapered (Figure 15A)

Applicants elect Species A.

III. Thickness of openings

Species A: Through opening (see, for example, claim 4)

Species B: Recess (see, for example, claim 5)

Applicants elect Species A.

IV. "Shape" of therapeutic substance

Species A: Discrete layers (Figure 9)

Species B: Layers of microspheres or particles (Figure 14)

Species C: Inverted cone (i.e., conical plug: Figure 16A)

Species D: Spherical plug (Figure 17A)

Species E: Cylindrical layers (Figure 19)

Applicants elect Species A.

V. Therapeutic substance

Species A: Chemically ablative agent (embodied in independent claim 38)

Species B: Anti-arrhythmic drug (embodied in independent claim 40)

Applicants elect Species A.

VI. Beneficial agent

Species A: Paclitaxel (see, for example, claim 23)

Species B: Rapamycin (see, for example, claim 24)

Applicants elect Species A.

VII. Plurality of beneficial agent layers

Species A: Layers of different chemical compositions (see, for example, claim 6)

Species B: Layers with the same chemical composition (see, for example, claim 11)

Applicants elect Species A.

VIII. Systemically applied agent

Species A: Ultrasound (see, for example, claim 15)

Species B: Chemical agent (see, for example, claim 16)

Applicants elect Species A.

Applicants note that Claims 1-48 have been cancelled and Claims 49-73 have been added by a Preliminary Amendment filed December 5, 2003. Claims 49-61 and 63-73 correspond to the elected species.